

HOUSE BILL NO. 353

INTRODUCED BY J. CARLSON, E. BUTTREY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO BARBERS AND COSMETOLOGISTS; DEFINING NATURAL HAIR BRAIDING SERVICES; EXEMPTING NATURAL HAIR BRAIDING SERVICES FROM LICENSING REGULATIONS; AND AMENDING SECTIONS 37-31-101 AND 37-31-102, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-31-101, MCA, is amended to read:

"37-31-101. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

- (1) "Affiliated" is an individual who owns more than 20% of or is employed 32 hours or more weekly at a school licensed under this chapter.
- (2) "Barber" means a person licensed under this chapter to engage in the practice of barbering.
- (3) "Barbering" means any of the following practices performed for payment, either directly or indirectly, on the human body for tonsorial purposes and not performed for the treatment of disease or physical or mental ailments:
 - (a) shaving or trimming a beard;
 - (b) cutting, styling, coloring, or waving hair;
 - (c) straightening hair by the use of chemicals;
 - (d) giving facial or scalp massages, including treatment with oils, creams, lotions, or other preparations applied by hand or mechanical appliance;
 - (e) shampooing hair, applying hair tonic, or bleaching or highlighting hair; or
 - (f) applying cosmetic preparations, antiseptics, powders, oils, lotions, or gels to the scalp, face, hands, or neck.
- (4) "Barber nonchemical" means a person licensed under this chapter to engage in the practice of

1 barbering nonchemical.

2 (5) "Barbering nonchemical" means the practice or teaching of barbering as provided in subsection
3 (3) but excludes the use of chemicals to wave, straighten, color, bleach, or highlight hair.

4 (6) "Board" means the board of barbers and cosmetologists provided for in 2-15-1747.

5 (7) "Booth" means any part of a salon or shop that is rented or leased for the performance of
6 barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring services, as provided for
7 in 39-51-204.

8 (8) "Cosmetologist" means a person licensed under this chapter to engage in the practice of
9 cosmetology.

10 (9) (a) "Cosmetology" means work included in the terms "hairdressing", "manicuring", "esthetics",
11 and "beauty culture" when the work is done for the embellishment, cleanliness, and beautification of the hair
12 and body.

13 (b) The term may not be construed to include itinerant cosmetologists who perform their services
14 without compensation for demonstration purposes in any regularly established store or place of business
15 holding a license from the state as a store or place of business.

16 (10) "Department" means the department of labor and industry provided for in Title 2, chapter 15,
17 part 17.

18 (11) "Electrologist" means a person licensed under this chapter to engage in the practice of
19 electrology.

20 (12) (a) "Electrology" means the study of and the professional practice of permanently removing
21 superfluous hair by destroying the hair roots through passage of an electric current with an electrified needle.
22 Electrology includes electrolysis and thermolysis. Electrology may include the use of waxes for epilation and the
23 use of chemical depilatories.

24 (b) The term does not include pilethermology, which is the study and professional practice of
25 removing superfluous hair by passage of radio frequency energy with electronic tweezers and similar devices.

26 (13) "Esthetician" means a person licensed under this chapter to engage in the practice of esthetics.

27 (14) "Esthetics" means skin care of the body, including but not limited to hot compresses or the use
28 of safety-approved electrical appliances or chemical compounds formulated for professional application only

1 and the temporary removal of superfluous hair by means of lotions, creams, or mechanical or electrical
2 apparatus or appliances on another person.

3 (15) "Instructor" or "teacher" means a person licensed under 37-31-303.

4 (16) "Manicuring" includes care of the nails, the hands, the lower arms, the feet, and the lower legs
5 and the application and maintenance of artificial nails.

6 (17) "Manicurist" means a person licensed under this chapter to engage in the practice of
7 manicuring.

8 (18) (a) "Natural hair braiding" means the service of twisting, wrapping, weaving, extending, locking,
9 or braiding hair by hand or with mechanical devices, including:

10 (i) the use of natural or synthetic hair extensions, natural or synthetic hair fibers, decorative
11 beads, or other hair accessories;

12 (ii) the minor trimming of natural hair or hair extensions incidental to the twisting, wrapping,
13 weaving, extending, locking, or braiding of hair; and

14 (iii) the making of wigs from natural hair, natural fibers, synthetic fibers, and hair extensions.

15 (b) The term includes the use of topical agents, such as conditioners, gels, moisturizers, oils,
16 pomades, and shampoos.

17 (c) (i) The term does not include the application of dyes, reactive chemicals, or other preparations
18 to alter the color of the hair or to straighten, curl, or alter the structure of the hair or the use of chemical hair
19 joining agents, such as synthetic tape, keratin bonds, or fusion bonds.

20 (ii) The term does not mean the practice of cosmetology.

21 ~~(18)~~(19) "Place of residence" means a home and the following residences defined under 50-5-101:

22 (a) an assisted living facility;

23 (b) an intermediate care facility for the developmentally disabled;

24 (c) a hospice;

25 (d) a critical access hospital;

26 (e) a long-term care facility; or

27 (f) a residential treatment facility.

28 ~~(19)~~(20) (a) "Salon or shop" means the physical location in which a person licensed under this chapter

1 practices barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring.

2 (b) The term does not include a room provided in a place of residence that is used for the
3 purposes of barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring unless the
4 owner, manager, or operator allows the room to be used for the practice of barbering, barbering nonchemical,
5 cosmetology, electrology, esthetics, or manicuring to serve nonresidents for compensation, in which case the
6 room must be licensed as a salon or a shop.

7 ~~(20)~~(21) "School" means a location approved by the board for training persons for licensure as
8 provided for in 37-31-311.

9 ~~(24)~~(22) "Student teacher" means an individual enrolled in a teacher training course as provided for
10 under 37-31-301(1)(d).

11 ~~(22)~~(23) "Teacher" means a person licensed under 37-31-305.

12 ~~(23)~~(24) "Teacher training" means a 650-hour course prescribed by the board by rule under this
13 chapter."

14

15 **Section 2.** Section 37-31-102, MCA, is amended to read:

16 **"37-31-102. Exemptions.** The provisions of this chapter do not prohibit:

17 (1) service in case of emergency or domestic administration without compensation;

18 (2) services by persons authorized under the laws of this state to practice dentistry, the healing
19 arts, or mortuary science; ~~or~~

20 (3) barbering, cosmetology, or esthetics services, including the application of masks, makeup, or
21 other theatrical devices, in the course of or incidental to a theatrical or other visual arts production, including
22 television or motion pictures, by persons employed or under contract to provide these services; or

23 (4) services by an individual who engages only in natural hair braiding."

24

- END -